

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VICTORIA SIMS,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner
of Social Security,

Defendant.

Case No. 3:14-cv-00682-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is Magistrate Judge Valerie P. Cooke's Report and Recommendation ("R&R") (dkt. no. 15), regarding Plaintiff Victoria Sims' Motion to Remand and/or Reversal ("Plaintiff's Motion") (dkt. no. 12) and Defendant Carolyn Colvin's Opposition and Cross Motion to Affirm Agency's Decision ("Defendant's Motion") (dkt. no. 13). The Magistrate Judge recommended denying Plaintiff's Motion and granting Defendant's Motion. (Dkt. no. 15.) Plaintiff had until November 21, 2015 to file any objection, but has failed to object.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a


1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
12 order to determine whether to adopt the R&R. The R&R finds that substantial evidence
13 in the record supports the Administrative Law Judge's determination that Plaintiff was not
14 disabled during the relevant period. The R&R thus recommends that the Court deny
15 Plaintiff's Motion and grant Defendant's Motion. Upon review of the R&R and the records
16 in this case, the Court agrees with the Magistrate Judge and adopts the R&R in full.

17 It is hereby ordered that the R&R (dkt. no. 15) is accepted and adopted in full.
18 Plaintiff's Motion to Remand and/or Reversal (dkt. no. 12) is denied and Defendant's
19 Cross Motion to Affirm Agency's Decision (dkt. no. 13) is granted.

20 The Clerk is directed to enter judgment in favor of Defendant and close this case.

21 DATED THIS 18th day of December 2015.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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